

USDC No. 4:20cv191-MPM-JMV

IN THE CIRCUIT COURT OF WASHINGTON COUNTY, MISSISSIPPI

NASTARCIA PARKER, INDIVIDUALLY AND
NEXT FRIEND OF T.A., A MINOR

PLAINTIFFS

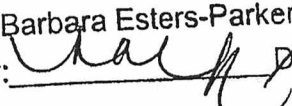
VS.

2020-0072 CI

GREENVILLE PUBLIC SCHOOL DISTRICT,
DR. DEBRA DACE, INDIVIDUALLY
AND IN HER CAPACITY AS INTERIM SUPERINTENDENT,
GREENVILLE PUBLIC SCHOOL DISTRICT,
DR. LORETTA SHANNON, INDIVIDUALLY AND IN HER
CAPACITY AS PRESIDENT OF BOARD OF TRUSTEES
OF GREENVILLE PUBLIC SCHOOL DISTRICT,
QUINTARUS McCRAY, INDIVIDUALLY AND IN HIS
CAPACITY AS HEAD FOOTBALL COACH AT
GREENVILLE HIGH SCHOOL, FRANCES EDWARDS,
INDIVIDUALLY AND AS AN EMPLOYEE OF GREENVILLE
PUBLIC SCHOOL DISTRICT, AND JOHN DOES 1-10

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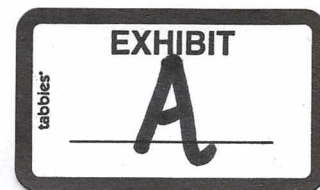
JUN 19 2020

Barbara Esters-Parker
By:  D.C.

DEFENDANTS

COMPLAINT
(Jury Trial Demanded)

COMES NOW the Plaintiff, Nastarcia Parker, individually and as next friend of T.A., a minor, by and through his attorney of record, and brings this cause of action against the Defendants, Greenville Public School District (hereinafter "the District"), Dr. Debra Dace, individually and in her capacity as Interim Superintendent of Greenville Public School District (hereinafter "Dr. Dace"), Dr. Loretta Shannon, individually and in her capacity as President of the Board of Trustees of Greenville Public School District (hereinafter "Dr. Shannon"), Quintarus McCray, individually and in his capacity as Head Football Coach of Greenville High School (hereinafter "Coach McCray"), Frances Edwards, individually and in her capacity as an employee of Greenville Public School



District (hereinafter "Ms. Edwards") and John Does 1-10, and would state unto the Court the following:

I. PARTIES

1. Plaintiff, Nastarcia Parker, is an adult resident citizen of Greenville, Washington County, Mississippi with a physical address of 2227 Stockton Drive.
2. Greenville Public School District is a public school district servicing the educational needs of school aged children in Greenville, Mississippi and where the minor child, T.A., was a 12th grade student at the high school, namely Greenville High School. The physical address of the District is 412 South Main Street, Greenville, Mississippi 38701.
3. Dr. Debra Dace, at the time of the incident in question, was serving and continues to serve as the Interim Superintendent of the Greenville Public School District and can be served with process at 412 South Main Street, Greenville, Mississippi 38701.
4. Dr. Loretta Shannon, at the time of the incident in question, served as the President of the Board of Trustees, the governing body of the school district, and can be served with process at her home address of 1318 Roosevelt Street, Greenville, Mississippi 38701. At the time of this filing, Dr. Shannon is no longer a member of the Board of Trustees.
5. Quintarus McCray, at the time of the incident in question, served as and continues to serve at the head football coach at Greenville High School, where the minor child question, T.A., was a 12th grade student and a member of the

football team. Coach McCray may be served with process at his place of employment located at 412 South Main Street, Greenville, Mississippi 38701, Greenville, Mississippi 38701.

6. Frances Edwards, at the time of the incident served as and continues to serve as a teacher and senior sponsor at Greenville High School. She may be served with process at 2525 Witchtree Road, Greenville, Mississippi 38701.
7. John Does 1-10, at the time of the incident, were employees of Greenville Public School District who purposely participated in this actions outlined hereinbelow. These persons' names are not readily available at the filing at this action and Plaintiff reserves the right to supplement this filing with same at a future date.

II. JURISDICTION AND VENUE

8. This is a civil action seeking monetary damages for the personal injuries and other damages suffered by the minor child, T.A.. Pursuant to Miss. Code Ann. (1972) §9-7-81, the Circuit Court of Washington County, Mississippi has jurisdiction of the subject matter of this cause of action.

9. Pursuant to Miss. Code Ann. (1972) §11-11-3, venue is proper in Washington County, Mississippi, as the events giving rise to this cause of action occurred in whole or in part in Washington County, Mississippi, and the Plaintiff and Defendant reside therein.

III. BACKGROUND FACTS

10. The minor child, T.A., was a 12th grade student at Greenville High School at the

time of the incident and where he also was a starting member of the Greenville High School football team. After having the desire to compete for the title of Homecoming King, T.A. began to be bullied, not by the students at Greenville High School, but by the coach and teachers of Greenville High School causing him much emotional distress to the point of him having to receive treatment and see a psychiatrist.

IV. CAUSE OF ACTION I

VIOLATION OF 2013 MISSISSIPPI CODE §37-11-67

11. Pursuant to the above reference Code, bullying or harassing behavior is prohibited in public schools. As required by law, Greenville Public School District has adopted this policy and made it a part of its District's policies as Policy Code JDDA-Bullying and Policy Code JDDA-P-Bullying Procedures, but in this instance, and at all material times, as agents and/or employees of Greenville Public School District, the administration and staff of the high school violated its own policy.

12. The District's policy clearly states that, *"The Greenville Public School District does not condone and will not tolerate bullying or harassing behavior."* It goes on further to say that *"Bullying or harassing behavior is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication,(b) create or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities or benefits."* Greenville High School has become a "hostile environment" for Tyjuan but not at the hands of the students but at the hands of district employees, i.e. principal, teachers, coaches, etc, who at all material times were agents and/or employees of Greenville Public School District. Tyjuan's parents, as with

any other parent, sends him to school with the expectation that he not be bullied or harassed but that he be in an environment that is safe and conducive to learning. Clearly, that is not happening for Tyjuan.

13. After having won the title of Homecoming King by the student body of Greenville High School, Principal Melvin Brown, Coach Quintarus and teacher Frances Edwards, who at all material times, were agents and/or employees of Greenville Public School District, tried to undermine the election process by trying to sway the election in favor of another contestant who clearly was not the student body's choice. Tyjuan received 1100 votes out of a total of 1500 ballots cast.

14. After having received the complaint of bullying/harassment from Tyjuan D. Parker and his mother, Principal Melvin Brown, who at all material times, was an agent and/or employee of Greenville Public School District, violated his responsibility as outlined in its Policy JDDA-P, Item II, which states in part, *"The report shall be made promptly but no later than five (5) calendar days after the alleged act or acts occurred. The school official shall complete a "Bullying/Harassing Behavior" complaint form..... The report shall be given promptly to the principal or superintendent who shall institute an immediate investigation."* Not only was this complaint improperly investigated, but the administration, including the Superintendent, denied even being made aware of the incident after having participated in text messages with Tyjuan's mother. Sure, an investigation was done by the Principal, who at all material times was an agent and/or employee of Greenville Public School District who in turn informed Tyjuan's mother that the Board of Trustees and the Superintendent had agreed that she be suspended

from being on the school's campus from September 27 – October 8, 2019 with the understanding that she would be arrested if she violated the suspension. It was not until Tyjuan's mother appeared at the Board of Trustees' October 22, 2019 meeting that she learned her suspension was the decision of Principal Melvin Brown, who at all material times, was an agent and/or employee of Greenville Public School District, thereby inflicting continued distress upon Tyjuan and his family. This in and of itself is a continued form of bullying/harassment.

15. Further, Coach Quintarus McCray, who at all material times, was an agent and/or employee of Greenville Public School District, continued to bully and harass Tyjuan D. Parker when he (Coach McCray) defied a homecoming tradition whereby the Homecoming King would ride on a float in the Homecoming Parade and then dress out later to play in the Homecoming game. Tyjuan was nominated as Homecoming King by the student body at Greenville High School and it was his right to represent that title in the Homecoming Parade by riding on the Homecoming float; however, because he did follow tradition and ride on the float, Coach Quintarus McCray continued to bully and harass him by not allowing him to play in the Homecoming game, despite the fact that he was a star athlete as a defensive lineman and that he (Coach McCray) was aware that college scouts would be in attendance to watch Tyjuan play. This, again, in and of itself is a continued form of bullying/harassment that has quite possibly resulted in Tyjuan being denied an athletic scholarship that could aide him in advancing his educational endeavors.

16. The Greenville Public School District has the overall legal power and

responsibility to promulgate policies and procedures for the operation of the said school district.

I. CAUSE OF ACTION II

VIOLATION OF THE FOURTEENTH AMENDMENT

17. Tyjuan D. Parker's Fourteenth Amendment rights, due process and equal protection for any person, have been violated by the administration and staff of Greenville High School, who at all material times, were agents and/or employees of Greenville Public School District, pursuant to Section 1 of the Fourteenth Amendment. Further, Section 1983 of the Fourteenth Amendment entitles Tyjuan to damages and for injunctive relief against "Every person," acting under color of state or local law, who deprives a person of his fourteenth Amendment rights.

II. CAUSE OF ACTION III

VIOLATION OF MISSISSIPPI DEPARTMENT OF EDUCATION CODE OF

ETHICS STANDARD 4

18. Standard 4 of the Mississippi Department of Education Code of Ethics was violated with regards to Tyjuan Parker at the hands of Coach Quintarus McCray, teacher Frances Edwards, and other John Does, who at all material times, were agents and/or employees of Greenville Public School District;

III. CAUSE OF ACTION IV

KNOWLEDGE OF BULLYING AND HARRASSMENT

19. The bullying/harassment of Tyjuan Parker was no secret to the Principal Melvin Brown and Superintendent Dr. Debra Dace, who at all material times, were agents

and/or employees of Greenville Public School District. They both had knowledge of the incident and participated in text messages with Tyjuan's mother when she reported to them. Further, they both failed to act appropriately in their supervisory capacities even though they were agents and/or employees of the Greenville Public School District.

V.

HARM SUFFERED

20. Tyjuan D. Parker has suffered greatly as a result of the unprofessional and unwarranted behavior of Superintendent Debra Dace, Principal Melvin Brown, Coach Quintarus McCray, and teacher Frances Edwards, who at all material times, were agents and/or employees of Greenville Public School District, as follows, but not limited to:

- a. Embarrassment and humiliation by an outright attempt by the administration and staff to rob him of his rightful title, Homecoming King, that he was duly elected to by more than 1100 votes out of 1500 votes that were cast by Greenville High School student body;
- b. Other attempts to disqualify him after the election by school administration and staff, namely Principal Melvin Brown and teacher Frances Edwards, who at all material times, were agents and/or employees of Greenville Public School District;
- c. The emotional distress when the administration and staff, namely Principal Melvin Brown and teacher Frances Edwards, who at all material times, were agents and/or employees of Greenville Public School District and ordered or

caused to be ordered crowns for every student affiliated with the Homecoming Court except for Tyjuan, who was duly elected Homecoming King - systematic and continued bullying and harassment;

- d. The deliberate "mis-seating" of the Homecoming King, by teacher Frances Edwards, who at all material times, were agents and/or employees of Greenville Public School District, to the side of the court and seating of a lesser positioned participant on the seat traditionally designed for the Homecoming King - a continued pattern of bullying and harassment;
- e. In keeping with the Homecoming Parade tradition, the Homecoming King rides on the float; this King was not allowed to ride on the float for the Homecoming Parade and dress out to play in the Homecoming game later in the day as others were allowed to do. Coach Quintarus McCray, who at all material times, were agents and/or employees of Greenville Public School District, suspended him from playing in the game because he did ride on the float in the Homecoming Parade to represent the title he had rightfully won as Homecoming King, but allowed another player who was similarly situated to play - a continued pattern of bullying and harassment;
- f. That Coach Quintarus McCray, who at all material times, was an agent and/or employee of Greenville Public School District, further harassed and humiliated this student by reducing him to third string despite his superb athletic prowess; that said conduct on the part of these school staff persons drove him from the team in utter embarrassment and humiliation;

g. That after all of the foregoing bullying and harassment on the part of these district personnel, who at all material times, were agents and/or employees of Greenville Public School District, this student was still subjected to further bullying and harassment by having to perform ten (10) "bear crawls" which consist of crawling on hands and knees from one 50 yard line to the next 50 yard line across the field in pouring rain as the other players were directed to stand on the sideline and watch him - again, a continued pattern of bullying and harassment employed as punishment and resulted in humiliation for Tyjuan and a sinus infection..

VI.

DAMAGES TO PLAINTIFF

21. This student athlete has suffered emotional and psychological injuries as a result of the treatment he has received at the hands of Superintendent Debra Dace, Principal Melvin Brown, Coach Quintarus McCray, and teacher Frances Edwards, who at all material times, were agents and/or employees of Greenville Public School District;

22. This student has been deprived of the joy and satisfaction of participating in a sport he loved and enjoyed with fellow teammates - a shattered dream!

23. The arbitrary, capricious and discriminatory practices on the part of Coach Quintarus McCray, who at all material times, was an agent and/or employee of Greenville Public School District, to suspend him from the homecoming game when he (Coach) knew college scouts would be in attendance to watch him play - possible scholarship could have been instrumental in furthering his educational endeavors;

24. Of deepest emotional damage was from Principal Melvin Brown, who at all material times, was an agent and/or employee of Greenville Public School District, to bar this devoted and supportive mother from the campus of Greenville High School under the threat of being arrested by law enforcement personnel, all because she wanted to make sure her child was treated fairly;

25. The parents of this young man have had to seek medical care for Tyjuan for elevated heart rate, chest tightness and anxiety symptoms as a direct result of the bullying and harassment at the hands of Superintendent Debra Dace, Principal Melvin Brown, Coach Quintarus McCray, teacher Frances Edwards, and other John Does, who at all material times, were agents and/or employees of Greenville Public School District;

26. The parents of the student have also sought the care of a psychiatrist to insure that this young man will not be a danger to himself or others, as a result of the treatment he suffered at the hands of Superintendent Debra Dace, Principal Melvin Brown, Coach Quintarus McCray, teacher Frances Edwards, and other John Does, who at all material times, were agents and/or employees of Greenville Public School District;

27. In light of the outlined violations and damages hereinabove, we are seeking the total sum of Plaintiff's damages, past and future, within the jurisdictional limits of this Court. These damages were legally caused by Defendants, individually and in their respective capacities as outlined hereinabove.

VII. ATTORNEY'S FEES

28. Defendants' conduct as described in this complaint and the resulting damages

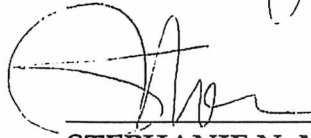
and losses to Plaintiff has necessitated Plaintiff retaining an attorney. Plaintiff is therefore entitled to recover from Defendants an additional sum to compensate Plaintiff for a reasonable fee for such attorney's services in the preparation and prosecution of this action, as well as a reasonable fee for any and all appeals to other courts.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that on final trial, Plaintiff have the following:

1. Judgment against Defendants actual and consequential damages as enumerated in the preceding pleadings;
2. Attorney's fees;
3. Costs of suit; and
4. Such other and further relief to which Plaintiff may be justly entitled.

RESPECTFULLY SUBMITTED on this the 19 day of June 2020.



STEPHANIE N. MORRIS

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Received & Filed

JUN 19 2020

Barbara Esters-Parker

By:  P.C.

**ATTORNEY FOR NASTARCIA
PARKER, individually and as
Next Friend of T.A., a minor**